

Remarks

Claims 1-8 are pending in this application. Claims 1 and 5 have been amended to clarify the scope of the invention. Also, claims 1-5 have been amended to eliminate reference numbers, and to correct some typographical errors.

I. Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 1-8 for being indefinite for use of the term "or" in the independent claims 1 and 5. Applicants have amended the claims to eliminate the term "or," and to make clear that the invention is directed to a system and method that requires monitoring of two conditions in connection with the feeding of enclosures. Previously, the Examiner appears to have interpreted the claims such that monitoring of either of the conditions would satisfy the claim.

With these amendments, it is believed that these §112 rejections may be withdrawn.

II. Rejections Under 35 U.S.C. § 102

Claims 1-2 and 5-6 stand rejected as anticipated by U.S. Patent 5,734,566 to Stengl ("Stengl"). In making the corrections to claims 1 and 5 to eliminate the alternative language of "or," applicants have clarified that the invention requires monitoring of two events, and that feeding is continued until the occurrence of at least one of the two events.

In claim 1, these limitations read as, "wherein the supervisory control means monitors for two events and controls the enclosure feeding means to continue feeding enclosures for the collation until at least one of the events occurs, a first of the two events being encountering a divider indicator, and a second of the two events being the

number of enclosures is equal to the expected number of enclosures." In claim 5, the limitations read as, " monitoring for an occurrence of two events, a first event being reaching the indication of the end of the sequence of enclosures for the collation, and a second event being having fed a number of enclosures equal to the expected number of enclosures; and feeding the specific enclosures until at least one of the two events occurs."

The asserted Stengl reference does not disclose or suggest monitoring of both the first and second events for controlling the corresponding feeding of the enclosures. Accordingly, the rejections of independent claims 1 and 5 and their dependent claims 2, and 6 may be withdrawn.

III. Rejections Under 35 U.S.C. § 103

Claims 1-8 stand rejected as unpatentable over Stengl in view of U.S. Patent 4,733,359 to Luperti, et al. ("Luperti"). The Examiner has asserted that it would have been obvious to combine the features related to stopping feeding of enclosures based on both of the first and second types of events. Neither of the references discloses the asserted combination wherein both the first and second types of events are used as criteria.

In addition, Applicants submit that neither of the asserted references include a suggestion to combine monitoring and stopping based on both kinds of events. The Examiner is required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference and/or combine applied references to arrive at the claimed invention. See *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995); *in re Deuel*, 51 F.3d 1552, 34 USPQ 1210 (Fed. Cir. 1995); *in re Fritch*, 972 F.2d 1260, 23

USPQ 1780 (Fed. Cir. 1992); *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988).

Since no suggestion to combine has been identified it is respectfully submitted that these rejections should be withdrawn.

IV. Double Patenting

Claims 1, 5 and 6 are rejected for double patenting in view of Stengl. Based on the amendments and arguments above, it is submitted that the independent claims of the present application have been distinguished from the invention of the Stengl reference, since that reference was also asserted under §102 and §103. Accordingly, this double patenting rejection should be withdrawn for the same reasons given above.

V. Conclusion

All issues having been addressed, Applicants submit that the present application is in condition for allowance.

Respectfully submitted,



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